

**WAC 246-272B-04100 Management plan.** (1) The management plan must include, at a minimum:

(a) A statement identifying whether the ownership of the development served by the LOSS is:

(i) A single owner; or

(ii) A collection of individually owned lots or units.

(b) If a development has individually owned lots or units, a statement that it is managed by:

(i) A public entity or a wastewater company regulated by the Washington utilities and transportation commission; or

(ii) A private management entity with a public entity or a wastewater company regulated by the Washington utilities and transportation commission contracted as a third party guarantor.

(c) A copy of the agreement, ordinance, covenant, or other legal document given to all customers that explains the rights and responsibilities of individual users of the LOSS and of the owner, management entity, or other responsible person. The agreement, ordinance, covenant, or other legal document must include, but is not limited to, the following:

(i) The fees and rates to be charged;

(ii) How charges may be amended; and

(iii) A list of substances that are prohibited from entering the LOSS in WAC 246-272B-06000.

(d) A narrative describing the management entity's experience managing LOSS and OSS including, but not be limited to:

(i) A list of all LOSS and OSS currently managed and owned, and counties they are located in;

(ii) Number of staff and their qualifications.

(e) Name, telephone number, fax number, mailing address, and email address for the following:

(i) Management entity;

(ii) Primary contact person for the management entity;

(iii) Third-party guarantor, if any.

(f) A copy of all recorded LOSS and LOSS component easements that allow access to perform O&M, repair, modification, and replacement, if located on private property or in the public right of way, including easements for sewage tanks on individual lots. Easements for sewage tanks on individual lots must be obtained and recorded as the lots are built upon, if not before.

(g) A description of the specific duties of the management entity;

(h) A contingency plan to operate, maintain, and manage the LOSS so that public health and the environment are protected during a transition from one management entity to another;

(i) Signed and notarized management agreement between the LOSS owner and the management entity in which the management entity agrees to comply with the following requirements:

(i) Operate and maintain the LOSS consistent with this chapter and any other applicable rules or statutes, and with the requirements in the owner's operating permit;

(ii) Provide adequate management, staff, and facilities to properly manage the LOSS;

(iii) Provide the owner and the department updated contact information including name, telephone number, fax number, mailing address, and email address when changes occur;

(iv) Contract with licensed, certified, or local health jurisdiction-approved professionals for maintenance service, pumping, electrical, and mechanical repair and modifications, as needed; and

(v) When a proprietary treatment component is used, employ the proprietary treatment component manufacturer to monitor and maintain the proprietary system, or employ a LOSS operator who meets the requirements of WAC 246-272B-07200(3).

(j) Maintain records of performance and all inspections, repairs, sampling, pumping, and improvements;

(k) Proof of an accounting and audit system set up and maintained using standard accounting practices; and

(l) Description of how the owner or management entity will obtain and maintain adequate current and future funding for LOSS operations and capital improvement expenses including:

(i) Long-term maintenance and operation of the LOSS and operator costs;

(ii) Inspection, repair, and replacement of components; and

(iii) Compliance with any conditions of construction approval or conditions that may be included in the operating permit.

(2) If the LOSS serves individually owned units or lots, the management plan must also include the following:

(a) Articles of incorporation and bylaws, including procedures to amend existing agreements for homeowner associations, corporations, or other associations of owners.

(b) Name of the association's or corporation's registered agent; and

(c) Copies of recorded easements to the LOSS and all components, including sewage tanks on individual lots, regarding access to perform O&M, repair, modification, and replacement. Easements for sewage tanks on individual lots must be obtained and recorded as the lots are built upon, if not before.

[Statutory Authority: RCW 70.118B.020. WSR 11-12-035, § 246-272B-04100, filed 5/25/11, effective 7/1/11.]